



Commonwealth of Kentucky

CONTRACT

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Doc Description: SAFE Kit Backlog Research Project

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Procurement Type: Personal Service Contract

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UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION

NUCLEUS BUILDING, 300 EAST MARKET STREET, SUITE 300

LOUISVILLE KY 40202-1959
US

Effective From: 01/01/2017

Effective To: 06/30/2018

Line	CL Description	Due Date	Quantity	Unit Issue	Unit Price	Contract Amt	Total Price
1	SAFE Kit Backlog Research Project		0.00		0.00000	49,998.00	49,998.00

Extended Description

The study will complete the following 6 objectives: (1) collect baseline data on geographic, case, victim, and suspect characteristics in the approximately 3,900 cases associated with untested SAFE kits in Kentucky; (2) compare the characteristics of cases with untested SAFE kits with a matched same of cases with tested SAFE kits; (3) measure correlates of practitioner decision making in sexual assault cases regarding pre-arrest decisions (for example: the decision to request forensic evidence testing, to interview suspects, the evaluation of victim credibility), arrest and charging decisions, and prosecutorial decisions; (4) evaluate the training efforts set forth by the Department of Criminal Justice Training (DOCJT) in response to SB 63, and efforts by the SART-AC to improve responses to sexual assault in Kentucky; (5) evaluate the impact of SB 63 on rates of SAFE kits submitted for testing, CODIS hit rates, victim participation in the criminal justice process, law enforcement perceptions of victims, and clearance rates for sexual assault cases; and (6) provide evidence based policy recommendations.

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OFFICE OF THE ATTORNEY GENERAL
700 CAPITAL AVENUE
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FRANKFORT KY 40601
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Total Order Amount: 49,998.00

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PERSONAL SERVICE CONTRACT FOR
CEMETERY AND FUNERAL HOME COMPLIANCE REVIEWS

BETWEEN

THE COMMONWEALTH OF KENTUCKY

OFFICE OF THE ATTORNEY GENERAL

AND

UNIVERSITY OF LOUISVILLE RESEARCH FOUNDATION

Bradley A. Campbell, PhD

2301 South Third Street, Brigman Hall Room 223

Louisville, KY 40292

This Personal Service Contract (PSC) is entered into, by and between the Commonwealth of Kentucky, Office of the Attorney General (“the Commonwealth”) and University of Louisville Research Foundation (“the Contractor”) to establish a contract for SAFE Kit Research Project. The initial PSC is effective from January 2, 2017 through December 31, 2017

There are no renewal options in regard to this project.

This contract is established pursuant to RFP 040 1700000102.

The Commonwealth and Contractor agree to the following:

I. Scope of Work

The proposed study responds to the solicitation’s call for a holistic research approach to examine the problem of untested sexual assault forensic exam (SAFE) kits. This study seeks to assist the Commonwealth of Kentucky in understanding the problem of untested SAFE kits in Kentucky by providing data-driven insights into the state’s response to this problem. The project will produce several research reports on the characteristics of cases associated with SAFE kits, regional submission rates, as well as kit testing and case outcomes, and a database with information on these outcomes that will be available online for the public. Additionally, the project will evaluate the impact of efforts by the Sexual Assault Response Team Advisory Committee (SART-AC) and the DANY Grant Sexual Assault Evidence Taskforce, as well as the impact of Senate Bill 63 (SB 63) on sexual assault investigations in Kentucky.

Proposed Objectives and Activities. The proposed study will complete the following 6 objectives: (1) collect baseline data on geographic, case, victim, and suspect characteristics in the approximately 3,090 cases associated with untested SAFE kits in Kentucky; (2) compare the characteristics of cases with untested SAFE kits with a matched sample of cases with tested SAFE kits; (3) measure correlates of practitioner decision making in sexual assault cases regarding pre-arrest decisions (for example: the decision to request forensic evidence testing, to interview suspects, the evaluation of victim credibility), arrest and charging decisions, and prosecutorial decisions; (4) evaluate the training efforts set forth by the Department of Criminal

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Justice Training (DOCJT) in response to SB 63, and efforts by the SART-AC to improve responses to sexual assault in Kentucky; (5) evaluate the impact of SB 63 on rates of SAFE kits submitted for testing, CODIS hit rates, victim participation in the criminal justice process, law enforcement perceptions of victims, and clearance rates for sexual assault cases; and (6) provide evidence based policy recommendations.

The proposed study will address the following research questions:

1. What are the characteristics (e.g., case, victim, suspect, and geographic) of the cases associated with untested SAFE kits in Kentucky?
2. Do cases associated with tested SAFE kits differ from cases with untested SAFE kits?
3. What role do SAFE kits play in the decision-making processes of criminal justice practitioners (e.g., police, prosecutor) in Kentucky?
4. What is the impact of efforts put forth by the DOCJT and the SART-AC on sexual assault case processing and responses to victims in Kentucky?
5. How will SB 63 impact the rates of SAFE kits submitted for testing, CODIS hit rates, victim participation, and clearance rates for sexual assault cases?
6. What evidence based policies can be developed based on findings from the evaluation?

Scope of Work. This study will employ an action-research design comprised of several data collection methodologies to address the scope of work outlined in section 2.00 of the RFP.

1. *Research Design and Methods.* This study will develop a stratified random sample of all 3,090 untested SAFE kits identified by the audit conducted by the State Auditor's Office in 2015. Once the sample is drawn, the researcher will engage with stakeholders throughout the state to employ an action-research design. Using this design, the researcher will collect data from case files associated with the sample, and surveys of law enforcement and prosecutors involved in these cases. This data will allow the study to examine correlates of SAFE kit testing, as well as reasons why kits were not submitted for testing. The study will also rely on official records of SAFE kit testing to assess the impact of SB 63 on SAFE kit submission rates, and to assess the collective impact of SB 63 on the response to sexual assault in Kentucky. This will allow the research to produce information that can contribute to evidence based policies regarding statewide responses to sexual assault.
2. *Analysis Plan.* The researcher will use appropriate descriptive and inferential statistics to establish baseline data on the characteristics of cases associated with untested SAFE kits. The researcher will also use inferential statistics, geographic data analysis, and time series analysis to assess the jurisdictional characteristics that contributed to the backlog of untested SAFE Kits
3. *Deliverables: Reports, Presentations, and Data Archiving.* The researcher will provide the Kentucky Office of the Attorney General with quarterly reports documenting the research progress, one final report, presentations to stakeholders, and will create a Microsoft Excel file containing all project data. The researcher will also reach a broader audience by building a website to disseminate the status of the project, relevant findings, and research reports/

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publications of the study findings (see houstonSAKresearch.org for example website).

4. *Capabilities of the Researcher.* The researcher possesses the skills and experience to conduct a study at the statewide level on untested SAFE kits. The researcher has been involved in several studies at the local, state, and national level, and has expertise in collecting and analyzing data from surveys (national and state), interviews with practitioners, and law enforcement databases. Most important to the proposed study, the researcher was a member of the research team that examined the problem of unsubmitted sexual assault kits in Houston, Texas. He worked on this project from 2011 to 2016, in conjunction with the Houston Police Department Crime Lab and Sexual Assault Investigative Units to understand the problem of unsubmitted sexual assault kits and to identify ways of improving responses to sexual assault ([Link to Full Report](#)). The researcher has also solicited Dr. William (Bill) Wells to serve in an advisory capacity for this project. Bill Wells led the Houston sexual assault kit project and is a national expert on research in this area.

This research project addresses several issues raised by the Kentucky Office of the Attorney General (KYOAG) and the National Institute of Justice, regarding the problem of untested SAFE kits at the state level. Specifically, this study would be the first to conduct research on a statewide sample of untested sexual assault kits. This document proposes several data collection endeavors that would assist in developing a complete understanding of the impact and outcomes from testing SAFE kits in Kentucky, as well as methods of improving practitioner responses to sexual assault, and to assess the impact of the recommendations set forth by Senate Bill 63 (SB 63). These data collection endeavors are derived from evidence based recommendations provided by sexual assault kit research previously funded by the National Institute of Justice (NIJ) and the Houston, TX Police Department (HPD). The project proposes an action-research approach, in which the researcher will collaborate with Kentucky law enforcement agencies, the KY OAG, the Kentucky Association of Sexual Assault Programs, and the Kentucky State Police Forensic Laboratory. If funded, the study will accomplish six interrelated objectives including: (1) collect baseline data on geographic, case, victim, and suspect characteristics in the approximately 3,090 cases associated with untested SAFE kits in Kentucky; (2) compare the characteristics of cases with untested SAFE kits with a matched sample of cases with tested SAFE kits; (3) measure correlates of practitioner decision making in sexual assault cases regarding pre-arrest decisions (for example: the decision to request forensic evidence testing, to interview suspects, the evaluation of victim credibility), arrest and charging decisions, and prosecutorial decisions; (4) evaluate the training efforts set forth by the Department of Criminal Justice Training in response to SB 63, and efforts by the SART-AC to improve responses to sexual assault in Kentucky; (5) evaluate the impact of SB 63 on rates of SAFE kits submitted for testing, CODIS hit rates, victim participation in the criminal justice process, law enforcement perceptions of victims, and clearance rates for sexual assault cases; and (6) provide evidence based policy recommendations.

Statement of the Problem

Law enforcement agencies and forensic crime laboratories throughout the United States have accumulated a substantial number of untested SAFE kits, that may hold critical DNA evidence (Joyful Heart Foundation, 2015; Office on Violence Against Women [OVAW], 2010; Strom &

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Hickman, 2010; Wells, Campbell, & Franklin, 2016). This evidence holds pieces of information that may be valuable for police and prosecutors when investigating and charging suspects for sex crimes. The utility of this evidence can be unlocked when SAFE kits are tested by a crime laboratory. Additionally, testing evidence in SAFE kits can produce significant outcomes other than assisting in arresting and prosecuting suspects. For example, testing SAFE kit evidence may provide justice for victims by demonstrating that the criminal justice system has taken steps to resolve the case.

The continual discovery of large numbers of untested SAFE kits in police and crime lab storage facilities has been an area of concern, and little is known about the causes of this problem, how to respond to this problem, and how testing results will impact the workload of criminal justice practitioners. In response to this problem, jurisdictions throughout the US have begun identifying untested SAFE kits in storage, and then test these kits. In fact, in 2015 52 jurisdictions received over \$80 million to tackle the problem of untested SAFE kits, largely by testing kits for evidence (Bureau of Justice Assistance, n.d.).

Extant research on the causes of this problem have shown that untested SAFE kits cannot be viewed solely as a law enforcement or crime laboratory problem (National Institute of Justice, 2015). Instead, the sources of the problem are multifaceted, and necessitate collaboration among several stakeholders including police, crime labs, victim advocacy groups, and prosecutors. Little is known about the outcomes of testing these kits, and the majority of research on this topic has focused on single large jurisdictions (e.g., Detroit, MI; Los Angeles, CA; New Orleans, LA; Houston, TX). These studies have reported testing results and CODIS

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hit rates after SAFE kits are processed, yet we know little about statewide responses to the discovery of untested SAK backlogs. The proposed research is uniquely positioned to fill this gap in our knowledge, by providing an empirical evaluation of statewide efforts in Kentucky to address the issue of untested SAFE kits. Specifically, this study has the unique opportunity to examine the problem of untested SAFE kits by including jurisdictions of varying sizes (e.g., large, medium, small) and type (e.g., local, county, state), as well as assessing the impact of SB 63's requirements regarding SAFE kit testing and training for law enforcement. The study will collect and analyze data from sexual assault case files, interviews and surveys with stakeholders (e.g., law enforcement, prosecutors, victim advocates, crime lab personnel), and forensic lab testing results. Law enforcement agencies, prosecutors, the state forensic crime lab, and victim advocates will be identified by the researcher to establish a multi-disciplinary approach to understanding this problem.

Research Design and Methods

To answer the research questions, data will be collected and analyzed using four research methodologies. The following details these methodologies, the samples targeted by each methodology, and the six research questions that will be answered by collecting data from four sources: (1) Sexual assault case files; (2) Interviews and surveys of law enforcement, prosecutors, victim advocates, and crime lab personnel; (3) Forensic lab testing results and official data tracking kit testing results; and (4) The Census of State and Local Law Enforcement Agencies. These research methodologies and proposed data sources are in line with recommendations made by the Houston Sexual Assault Kit Action Research Project (Wells, Campbell, & Franklin, 2016) and the National Institute of Justice. The text below details how these sources will be used to evaluate the SAFE kit testing efforts by the Commonwealth of Kentucky, and to test the research questions from the proposed study.

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Sampling Sexual Assault Case Files

Stratified random sampling methods will be used to identify a representative sample of the 3,090 cases with untested SAFE kits in Kentucky to answer research questions 1, 2, and 3:

1. What are the characteristics (e.g., case, victim, suspect, and geographic) of the cases associated with untested SAFE kits in Kentucky?
2. Do cases associated with tested SAFE kits differ from cases with untested SAFE kits?
3. What role do SAFE kits play in the decision-making processes of criminal justice practitioners (e.g., police, prosecutor) in Kentucky?

The sample will be stratified based using the current status of cases at the time of data collection. This method is designed to use a proportionate stratified random sampling method to enhance the likelihood that the sample will represent the entire group of untested SAFE kits in Kentucky. This sampling method enhances sample quality because it ensures that the sample is representative based on several relevant characteristics. Following methods proposed by Wells and colleagues (2016), the sample will be stratified based on the following criteria: (1) arrested and charged in this case, (2) arrested and charged in another case, (3) lack of prosecution by the prosecutor, (4) lack of prosecution by the complainant, (5) unfounded, (6) inactive, (7) cleared by investigation, and (8) open and active. The sampling method will also use counties and regions in the state to select a proportionate sample based on geographic characteristics. This will allow the study to examine geographic correlates of submission rates and case outcomes at the regional and county level. The study will then use a survey instrument developed by Wells and colleagues (2015) to code these cases for characteristics that may explain case processing outcomes, and decisions to test SAFE kits. Using this sample, the study will be fit to answer research questions 1, 2, and 3 by allowing the study to:

1. *Collect data (using the stratified random sampling method) regarding the characteristics of untested SAFE kits, including suspect, victim, and case characteristics.* Data would be collected from local and state agencies to provide a baseline understanding of the nature of cases with untested SAFE kits in Kentucky. Collecting this information can provide insights into the causes of the accumulation of untested SAFE kits, and how the problem can be avoided in the future.
2. *Compare similar groups of cases that differ only in terms of whether a SAFE kit was submitted and tested.* Collecting these data would allow the study to identify risk factors for untested SAFE kits. Identifying these risk factors could help prevent untested SAFE kits from accumulating in the future. Additionally, this answers a key research question that has not been examined in prior studies of untested SAFE kits: Are cases with untested SAFE kits different from cases associated with tested SAFE kits? Answering this question is critical in understanding how backlogs of untested kits accumulate, and how jurisdictions can tailor training efforts and new policies to prevent this problem from occurring again.

Interviews and surveys of law enforcement, prosecutors, victim advocates, and crime lab personnel

Research on untested SAFE kits has demonstrated that understanding jurisdictional context is critical in understanding how to improve system responses to victims. Specifically, previous studies (see Campbell, Menaker, & King, 2015; Gaines & Wells, 2016; and houstonsakresearch.org) have interviewed and surveyed police, prosecutors, and victim advocates about responses to victims, how victim credibility is evaluated, and what case

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characteristics are associated with successful prosecution. In line with these prior studies, the current proposal will use surveys and interviews to understand the context of criminal justice responses to sexual assault in Kentucky. The study will use interview protocols and surveys that are already completed by the Principal Investigator of this proposed study. These data collection instruments will complete the following two objectives:

1. *Gather baseline information about current practices regarding responses to sexual assaults from law enforcement, prosecutors, medical personnel, crime lab personnel, and victim advocates in Kentucky.* Data would be collected using both survey data and in-depth interviews with law enforcement and prosecutors throughout the state. This will assist the research in developing an understanding of investigative practices, prosecutorial practices, the communication practices between stakeholder groups (e.g., Sexual Assault Nurse Examiners (SANEs), police, prosecutors, crime lab personnel, advocates), and the role of victim advocates in the investigative process. The goal is to assist stakeholder groups in understanding the role, function, and objectives each group plays in the larger response to sexual assaults in Kentucky. The information gained from these interviews can support the implementation of reforms and enhance inter-group cooperation and communication.
2. *Gather information on perceptions of victims and sexual assault from police and prosecutors.* The surveys and interviews will also collect useful information on law enforcement perceptions of victims and how they respond to sexual assaults. Specifically, surveys and interviews will be tailored to gauge and measure the extent of rape myth acceptance among criminal justice professionals in the state. Additionally, these surveys can serve as a baseline of information for the evaluation of training provided by the Kentucky DOCJT on improving responses to sexual assault and adopting a victim centered approach to sexual assault investigations. Finally, the surveys will be used to measure perceptions about the utility of SAFE kits in the investigation and prosecution of sexual assault cases.

Forensic Testing Results

Results from testing the SAFE kit backlog are critical in tracking the impact of testing these kits in regard to investigative and prosecutorial outcomes. The proposed study will work with the Kentucky State Police Forensic Laboratory to answer research questions 4, 5, and 6:

1. What is the impact of efforts put forth by the DOCJT and the SART-AC on sexual assault case processing and responses to victims in Kentucky?
2. How will SB 63 impact the rates of SAFE kits submitted for testing, CODIS hit rates, victim participation, and clearance rates for sexual assault cases?
3. What evidence based policies can be developed based on findings from the evaluation?

These three research questions will be answered by completing the following objectives:

1. *Measure and report the outcomes of sexual assault cases after SAKs are tested.* These data would measure not only the forensic testing results, but also the criminal justice system outcomes resulting from the testing of SAKs. This will assist in providing a baseline understanding of the investigative workload for all stakeholders (i.e., police, forensic lab, advocates, prosecutors) that may result from testing of the kits.
2. *Measure a broader set of outcomes in addition to results of criminal cases.* Prior research has typically focused on criminal justice case outcomes because these

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outcomes are typically what practitioners are concerned with. In addition to these outcomes, it is important to consider some alternative outcomes, such as the impact on agency legitimacy and perceptions of procedural justice that result from enhanced efforts to provide victims justice by testing SAKs.

3. *Evaluate SB 63.* SB63 provides several recommendations that stand to improve the response to sexual assault in Kentucky. For example, the bill requires new training for law enforcement regarding sexual assault investigations. Research has shown that this type of training can improve law enforcement perceptions of victims, and enhance victim cooperation in the investigation and prosecution of sexual assault cases. Accordingly, the current study would conduct pre- and post-training surveys to assess the impact of this training on Kentucky law enforcement officers. Additionally, SB63 provides the opportunity to assess the impact of training on victim cooperation, clearance rates, and CODIS hit rates. The proposed research would statistically assess the impact of SB63 on these outcomes.

The Census of State and Local Law Enforcement Agencies (CSLLEA)

The CSLLEA will be used to obtain addition data pertaining to city-, county-, and agency-level characteristics. This information is critical to understanding the impact of jurisdiction size and police organizational structure on SAFE kit submission rates and police responses to sexual assault. The CSLLEA contains agency information on all state, county, and local police agencies. This information includes jurisdiction size, police force size, police budget, number of police investigative units, and agency structure. CSLLEA data also contains unique identifiers for police agencies, as well as government identifiers for each jurisdiction at the city (city government ID number), and county (FIPS county codes). These identifiers will be linked to each case associated with an untested SAFE kit to provide agency level correlates of kit submission rates and criminal justice outcomes.

Analysis Plan

The researcher has the experience to use appropriate statistical analyses to provide descriptive and inferential statistics for each of the data collection methods. To compliment these skills, the researcher has also sought the expertise of criminal justice statistical experts (Bill Wells – Sam Houston State University, and Edward R. Maguire – Arizona State University) to advise his analysis of the results. The analysis will be derived from an Excel data file containing all information from the study. The analysis will conduct bivariate statistical analyses and estimate logistic regression, ordinary least squared regression, and auto regressive integrated moving average (ARIMA-time series analysis) models to evaluate the SAFE kit testing effort. These analyses are appropriate to examine case outcomes, submission rates, and to correlate practitioner perceptions with these outcomes and submission rates.

Deliverables: Reports, Presentations, and Data Archiving.

The researcher will provide the Kentucky Office of the Attorney General with quarterly reports documenting the research progress, one final report, presentations to stakeholders, and will create a Microsoft Excel file containing all project data. The researcher will also reach a broader audience by building a website to disseminate the status of the project, relevant findings, and research reports/publications of the study findings (see houstonSAKresearch.org for example website).

Capabilities and Management Plan

The researcher possesses unique experiences that represents a significant strength of the proposal. Dr. Bradley Campbell is an Assistant Professor in the Department of Criminal Justice at the University of Louisville (See attached Curriculum Vita for resume). Dr. Campbell has been involved in several large-scale research projects, including national-level studies of police practitioners and crime laboratories. Most importantly, he worked for five years (from 2011-2016) on the Houston Police Department's Sexual Assault Kit Action Research Project that was funded by the National Institute of Justice. The proposed project replicates this study at the state level. The Houston project is one of just four studies that have examined the problem of unsubmitted sexual assault kits and the criminal justice response to sexual assault cases. He also co-authored the final report for this project ([Link to Full Report](#)). He has also obtained Dr. Bill Wells from Sam Houston State University as a research advisor for the project. Dr. Wells was the principal investigator on the Houston Sexual Assault Kit Action Research Project, and is a leading national expert on this topic. Additionally, Dr. Campbell has obtained Dr. Edward R. Maguire from Arizona State University as a statistical expert advisor on this project. Dr. Maguire has extensive experience with data analysis techniques and has conducted several local, national, and international studies of law enforcement agencies' investigative practices.

This project will take place in 2017, and will meet quarterly deadlines in regard to data collection and report writing. The timeline will be as follows:

January 2017 – March 2017	Begin collecting data from surveys and interviews, and complete sampling procedures and begin compiling data in conjunction with the Kentucky State Police Forensic Laboratory and law enforcement agencies.
March 2017	Write initial report on data collection procedures and present sample to stakeholders.
April 2017 – June 2017	Finish collecting data and begin preparing data for analysis and report production.
June 2017	Produce report on descriptive and bivariate statistics derived from data collection endeavors and present information to stakeholders.
July 2017 – September 2017	Conduct inferential and time series analysis of the data.
September 2017	Produce report on inferential and time series analyses and present results and findings to stakeholders.
October 2017 – December 2017	Begin and complete final report of the data analysis.
December 2017	Provide final report to stakeholders and present on results and findings from the entire project.

II. Contract Components and Order of Precedence

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The Commonwealth's acceptance of the Contractor's offer in response to the Solicitation, indicated by the issuance of a Contract Award shall create a valid contract between the Parties consisting of the following:

- o This written agreement and any subsequent written amendments to this agreement;
- o Any addenda to the Solicitation;
- o The Solicitation and all attachments thereto; including PSC Standard Terms and Conditions;
- o Any Best and Final Offer;
- o Any clarifications concerning the Contractor's proposal in response to the Solicitation;
- o The Contractor's proposal in response to the Solicitation.

In the event of any conflict between or among the provisions contained in the contract, the order of precedence shall be as enumerated above.

III. Negotiated Items

Not applicable.

IV. Pricing

Total cost for this project is \$49,998.00. This will fund the researcher, his research assistants, and data analysis consultants to complete the required work for this project. He is requesting \$23,006.00 in total salary for the study. This salary will cover 1% of his time during the 2016-2017 academic year, three months of summer pay at 72% effort (\$14,099.00), one research assistant for 32, 20-hour work weeks (\$8,300.00) to assist in data collection and analysis, and two consultants with expertise in the area of sexual assault kit research (William Wells) and statistical data analysis (Edward R. Maguire) (\$10,604.00). The project also requests \$4,821.00 for fringe benefits, and indirect costs at a rate of 26% for the University of Louisville to support the research project (\$10,317.00). Finally, the research requests \$1,250.00 to fund travel to meetings throughout the state regarding data collection and the progress of the project.

V. Invoicing

- i. The Contractor should submit invoices setting forth the hours worked and the expenses for which reimbursement is sought as reviews are completed.
- ii. The Contractor should submit invoices upon completion of each deliverable specified in this contract pursuant to the project work plan.

VI. Personal Service Contract Standard Terms and Conditions

Whereas, the first party, the state agency, has concluded that either state personnel are not available to perform said function, or it would not be feasible to utilize state personnel to perform said function; and **Whereas**, the second party, the Contractor, is available and qualified to perform such function; and

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Whereas, for the abovementioned reasons, the state agency desires to avail itself of the services of the second party;

NOW THEREFORE, the following terms and conditions are applicable to this contract:

Effective Date:

This contract is not effective until the Secretary of the Finance and Administration Cabinet or his authorized designee has approved the contract and until the contract has been submitted to the Legislative Research Commission, Government Contract Review Committee ("LRC"). However, in accordance with KRS 45A.700, contracts in aggregate amounts of \$10,000 or less are exempt from review by the committee and need only be filed with the committee within 30 days of their effective date for informational purposes.

KRS 45A.695(7) provides that payments on personal service contracts and memoranda of agreement shall not be authorized for services rendered after government contract review committee disapproval, unless the decision of the committee is overridden by the Secretary of the Finance and Administration Cabinet or agency head, if the agency has been granted delegation authority by the Secretary.

Renewals:

Upon expiration of the initial term, the contract may be renewed in accordance with the terms and conditions in the original solicitation. Renewal shall be subject to prior approval from the Secretary of the Finance and Administration Cabinet or his authorized designee and the LRC Government Contract Review Committee in accordance with KRS 45A.695 and KRS 45A.705, and contingent upon available funding.

LRC Policies:

Pursuant to KRS 45A.725, LRC has established policies which govern rates payable for certain professional services. These are located on the LRC webpage (<http://www.lrc.ky.gov/Statcomm/Contracts/homepage.htm>) and would impact any contract established under KRS 45A.690 et seq., where applicable.

Choice of Law and Forum:

All questions as to the execution, validity, interpretation, construction and performance of this contract shall be governed by the laws of the Commonwealth of Kentucky. Furthermore, the parties hereto agree that any legal action which is brought on the basis of this contract shall be filed in the Franklin County Circuit Court of the Commonwealth of Kentucky.

Cancellation:

The state agency shall have the right to terminate and cancel this contract at any time not to exceed thirty (30) days' written notice served on the Contractor by registered or certified mail.

Funding Out Provision:

The state agency may terminate this contract if funds are not appropriated to the contracting agency or are not otherwise available for the purpose of making payments without incurring any obligation for payment after the date of termination, regardless of the terms of the contract. The state agency shall provide the Contractor thirty (30) calendar days' written notice of termination of the contract due to lack of available funding.

Reduction in Contract Worker Hours:

The Kentucky General Assembly may allow for a reduction in contract worker hours in conjunction with a budget balancing measure for some professional and non-professional service contracts. If under such authority the agency is required by Executive Order or otherwise to reduce contract hours, the contract will be reduced by the amount specified in that document.

Authorized to do Business in Kentucky:

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The Contractor affirms that it is properly authorized under the laws of the Commonwealth of Kentucky to conduct business in this state and will remain in good standing to do business in the Commonwealth of Kentucky for the duration of any contract awarded.

The Contractor shall maintain certification of authority to conduct business in the Commonwealth of Kentucky during the term of this contract. Such registration is obtained from the Secretary of State, who will also provide the certification thereof.

Registration with the Secretary of State by a Foreign Entity:

Pursuant to KRS 45A.480(1)(b), an agency, department, office, or political subdivision of the Commonwealth of Kentucky shall not award a state contract to a person that is a foreign entity required by [KRS 14A.9-010](#) to obtain a certificate of authority to transact business in the Commonwealth ("certificate") from the Secretary of State under [KRS 14A.9-030](#) unless the person produces the certificate within fourteen (14) days of the bid or proposal opening. Therefore, foreign entities should submit a copy of their certificate with their solicitation response. If the foreign entity is not required to obtain a certificate as provided in [KRS 14A.9-010](#), the foreign entity should identify the applicable exception in its solicitation response. Foreign entity is defined within [KRS 14A.1-070](#).

For all foreign entities required to obtain a certificate of authority to transact business in the Commonwealth, if a copy of the certificate is not received by the contracting agency within the time frame identified above, the foreign entity's solicitation response shall be deemed non-responsive or the awarded contract shall be cancelled.

Businesses can register with the Secretary of State at <https://secure.kentucky.gov/sos/ftbr/welcome.aspx>.

Invoices for fees:

The Contractor shall maintain supporting documents to substantiate invoices and shall furnish same if required by state government. The invoice must conform to the method described in Section V of this contract.

Pursuant to KRS 45A.695, no payment shall be made on any personal service contract unless the individual, firm, partnership, or corporation awarded the personal service contract submits its invoice for payment on a form established by the committee.

*Invoice form is available on the Legislative Research Commission, Government Contract Review Committee website: <http://www.lrc.ky.gov/Statcomm/Contracts/homepage.htm>

Travel expenses, if authorized:

The Contractor shall be paid for no travel expenses unless and except as specifically authorized by the specifications of this contract or authorized in advance and in writing by the Commonwealth. Either original or certified copies of receipts must be submitted for airline tickets, hotel bills, restaurant charges, rental car charges, and any other miscellaneous expenses.

Other expenses, if authorized herein:

The Contractor shall be reimbursed for no other expenses of any kind, unless and except as specifically authorized within the specifications of this contract or authorized in advance and in writing by the Commonwealth.

If the reimbursement of such expenses is authorized, the reimbursement shall be only on an out-of-pocket basis. Request for payment of same shall be processed upon receipt from the Contractor of valid, itemized statements submitted periodically for payment at the time any fees are due. The Contractor shall maintain supporting documents that substantiate every claim for expenses and shall furnish same if requested by the Commonwealth.

Purchasing and specifications:

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The Contractor certifies that he/she will not attempt in any manner to influence any specifications to be restrictive in any way or respect nor will he/she attempt in any way to influence any purchasing of services, commodities or equipment by the Commonwealth of Kentucky. For the purpose of this paragraph and the following paragraph that pertains to conflict-of interest laws and principles, "he/she" is construed to mean "they" if more than one person is involved and if a firm, partnership, corporation, or other organization is involved, then "he/she" is construed to mean any person with an interest therein.

Conflict-of-interest laws and principles:

The Contractor certifies that he/she is legally entitled to enter into this contract with the Commonwealth of Kentucky, and by holding and performing this contract, he/she will not be violating either any conflict of interest statute (KRS 45A.330-45A.340, 45A.990, 164.390), or KRS 11A.040 of the executive branch code of ethics, relating to the employment of former public servants.

Campaign finance:

The Contractor certifies that neither he/she nor any member of his/her immediate family having an interest of 10% or more in any business entity involved in the performance of this contract, has contributed more than the amount specified in KRS 121.056(2), to the campaign of the gubernatorial candidate elected at the election last preceding the date of this contract. The Contractor further swears under the penalty of perjury, as provided by KRS 523.020, that neither he/she nor the company which he/she represents, has knowingly violated any provisions of the campaign finance laws of the Commonwealth, and that the award of a contract to him/her or the company which he/she represents will not violate any provisions of the campaign finance laws of the Commonwealth.

Access to Records:

The Contractor, as defined in KRS 45A.030(8) and (10), agrees that the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, shall have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this contract for the purpose of financial audit or program review. The Contractor also recognizes that any books, documents, papers, records, or other evidence, received during a financial audit or program review shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884. Records and other prequalification information confidentially disclosed as part of the bid process shall not be deemed as directly pertinent to the contract and shall be exempt from disclosure as provided in KRS 61.878(1)(c).

Protest:

Pursuant to KRS 45A.285, the Secretary of the Finance and Administration Cabinet, or his designee, shall have authority to determine protests and other controversies of actual or prospective vendors in connection with the solicitation or selection for award of a or contract.

Any actual or prospective vendor, who is aggrieved in connection with the solicitation or selection for award of a contract, may file protest with the Secretary of the Finance and Administration Cabinet. A protest or notice of other controversy must be filed promptly and, in any event, within two (2) calendar weeks after such aggrieved person knows or should have known of the facts giving rise thereto. All protests or notices of other controversies must be in writing and shall be addressed to:

William M. Landrum III, Secretary
Commonwealth of Kentucky
Finance and Administration Cabinet
Room 383, New Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

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The Secretary of Finance and Administration Cabinet shall promptly issue a decision in writing. A copy of that decision shall be mailed or otherwise furnished to the aggrieved party and shall state the reasons for the action taken.

The decision by the Secretary of the Finance and Administration Cabinet shall be final and conclusive.

Social security: (check one)

_____ The parties are cognizant that the state is not liable for social security contributions, pursuant to 42 U.S. Code, section 418, relative to the compensation of the second party for this contract.

_____ The parties are cognizant that the state is liable for social security contributions, pursuant to 42 U.S. Code, section 418, relative to the compensation of the second party for this contract.

Violation of tax and employment laws:

KRS 45A.485 requires the Contractor and all subcontractors performing work under the contract to reveal to the Commonwealth, prior to the award of a contract, any final determination of a violation by the Contractor within the previous five (5) year period of the provisions of KRS chapters 136, 139, 141, 337, 338, 341, and 342. These statutes relate to the state sales and use tax, corporate and utility tax, income tax, wages and hours laws, occupational safety and health laws, unemployment insurance laws, and workers compensation insurance laws, respectively.

To comply with the provisions of KRS 45A.485, the Contractor and all subcontractors performing work under the contract shall report any such final determination(s) of violation(s) to the Commonwealth by providing the following information regarding the final determination(s): the KRS violated, the date of the final determination, and the state agency which issued the final determination.

KRS 45A.485 also provides that, for the duration of any contract, the Contractor and all subcontractors performing work under the contract shall be in continuous compliance with the provisions of those statutes, which apply to their operations, and that their failure to reveal a final determination, as described above, or failure to comply with the above statutes for the duration of the contract, shall be grounds for the Commonwealth's cancellation of the contract and their disqualification from eligibility for future state contracts for a period of two (2) years.

Contractor must check one:

_____ The Contractor has not violated any of the provisions of the above statutes within the previous five (5) year period.

_____ The Contractor has violated the provisions of one or more of the above statutes within the previous five (5) year period and has revealed such final determination(s) of violation(s). Attached is a list of such determination(s), which includes the KRS violated, the date of the final determination, and the state agency which issued the final determination.

Discrimination:

This section applies only to contracts disbursing federal funds, in whole or part, when the terms for receiving those funds mandate its inclusion. Discrimination (because of race, religion, color, national origin, sex, sexual orientation, gender identity, age, or disability) is prohibited. During the performance of this contract, the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, sex, sexual orientation, gender identity or age. The Contractor further agrees to comply with the provisions of the Americans with Disabilities Act (ADA), Public Law 101-336,

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and applicable federal regulations relating thereto prohibiting discrimination against otherwise qualified disabled individuals under any program or activity. The Contractor agrees to provide, upon request, needed reasonable accommodations. The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensations; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

2. In all solicitations or advertisements for employees placed by or on behalf of the Contractor, the Contractor will state that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability.

3. The Contractor will send to each labor union or representative of workers with which he/she has a collective bargaining agreement or other contract or understanding a notice advising the said labor union or workers' representative of the Contractor's commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.

4. The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations and relevant orders of the Secretary of Labor.

5. The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his/her books, records and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

6. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be cancelled, terminated or suspended in whole or in part, and the Contractor may be declared ineligible for further government contracts or federally-assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions that may be imposed and remedies invoked as provided in or as otherwise provided by law.

7. The Contractor will include the provisions of paragraphs (1) through (7) of section 202 of Executive Order 11246 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor, issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

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VI. Approvals

This contract is subject to the terms and conditions stated herein. By affixing signatures below, the parties verify that they are authorized to enter into this contract and that they accept and consent to be bound by the terms and conditions stated herein. In addition, the parties agree that (i) electronic approvals may serve as electronic signatures, and (ii) this contract may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single contract.

1st Party:

_____ Signature	_____ Title
_____ Printed Name	_____ Date

2nd Party:

_____ Signature	_____ Title
_____ Printed Name	_____ Date

Other Party:

_____ Signature	_____ Title
_____ Printed Name	_____ Date

Approved as to form and legality:

Attorney